

**RELEASE IN PART B5,B6**

## Case Comparisons Worksheet

3 FAM 4374 (1) The disciplinary action taken should be consistent with the precept of like penalties for similar offenses with mitigating or aggravating circumstances taken into consideration. Whether or not offenses are alike will be based on the similarity of the underlying conduct rather than how the charge is worded.

Case Name:

Date completed: 12-07-17

B6

Proposal:

B5

B6

Case No.	Proposal	Decision	Comments	Date

B5

B6

B5  
B6

Comparison completed by: Laurie Younger



United States Department of State

Washington, D.C. 20520

RELEASE IN PART  
B7(C),B6

OCT 12 2011

## MEMORANDUM

TO: [REDACTED]

FROM: DS/SI/PSS [REDACTED]

SUBJECT: Clearance Suspension

This letter is to notify you that, in accordance with U.S. government standards set forth in Executive Orders 10450 and 12968, Government-wide Adjudicative Guidelines, and Department of State regulations, the Office of Personnel Security and Suitability (DS/SI/PSS) has determined that your continued access to classified information is not clearly consistent with the national security interests of the United States. Your Top Secret security clearance is suspended pending the outcome of an ongoing DS investigation. These considerations dictate that, in the interim, you must, at a minimum, remain assigned to a position that does not include sensitive duties.

DS/SI/PSS has been notified that you have shown an unwillingness to comply with Department rules and regulations regarding writing and speaking on matters of official concern, including by publishing articles and blog posts on such matters without submitting them to the Department for review, and that your judgment in the handling of protected information is questionable. This raises serious security concerns and can be disqualifying under Adjudicative Guidelines "E" (Personal Conduct) and "K" (Handling Protected Information). The suspension of your security clearance does not constitute a formal revocation and does not indicate that such action is planned.

If, after further investigation and review, the Director, Diplomatic Security Service, revokes your clearance, you will be given an opportunity to respond. Moreover, should the Assistant Secretary of Diplomatic Security render a decision to sustain the revocation of your clearance, you will be afforded the opportunity to appeal the decision to the Department's Security Appeals Panel.

[REDACTED]

B6  
B7(C)

SENSITIVE BUT UNCLASSIFIED

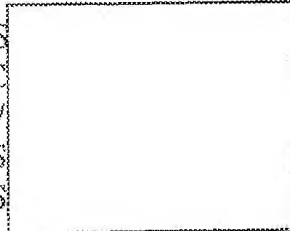
Pursuant to Department policy, you are required to turn in your building ID card, any government issued credentials, and Diplomatic Passport to DS/SI/PSS. You will be issued a DS-1838 (*Request for Personal Identification Card*) and will be issued a non-sensitive building badge. Your point-of-contact is [REDACTED] who can be reached at [REDACTED], to facilitate this requirement. Attached is a memorandum for your signature, acknowledging your understanding of these actions, not your agreement.

You are required to return the Acknowledgement of Receipt, signed and dated, to [REDACTED] within five days of receipt. You may return the completed memorandum by fax to [REDACTED], or you may scan it and email to [REDACTED]@state.gov.

Enclosure:

Acknowledgment of Receipt

cc: HRDG: S  
HR/ER/C  
HR/REE/  
DS/DO/S  
DS/SI/PS





United States Department of State

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIEDRELEASE IN PART  
B7(C),B6

OCT 12 2011

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SENSITIVE BUT UNCLASSIFIEDB6  
B7(C)

SENSITIVE BUT UNCLASSIFIED

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B6  
B7(C)

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B6  
B7(C)

Enclosure:

Acknowledgment of Receipt

cc: HRDG: [redacted]  
HR/ER/CSD: [redacted]  
HR/REE/EX: [redacted]  
DS/DO/SSD: [redacted]  
DS/SI/PSS: Certification Desk

B6  
B7(C)

SENSITIVE BUT UNCLASSIFIED

## **HR/ER/CSD Press Guidance**

**March 9, 2012**

### **Disciplinary Case of Peter Van Buren**

**RELEASE IN FULL**

#### **Key Point:**

#### **Question:**

**Mr. Van Buren claims that the Department suspended his security clearance to retaliate when he published a book critical of Iraq policy. He now says the Department is further retaliating against him by proposing to separate him for cause from the Foreign Service. Is it true?**

- We cannot comment on the specific case of Mr. Van Buren, or any other employee, other than to say that the retaliation claims in this case are without merit.
- The State Department values the opinions of its employees and encourages expression of differing viewpoints and is committed to fairness in the workplace. There are many examples of employees publishing articles and books in their private capacity that do not reflect Department views.
- At the same time, the Department of State has an obligation to ensure that official information is released in an authorized and appropriate manner, that classified and other protected material is not improperly disclosed, and that the views an employee expresses in his or her private capacity are not attributed to the U.S. government.

- Foreign Service Officers and other employees are well aware that they are expected to meet these obligations.
- The Department follows established practice in enforcing its policies and regulations regarding the conduct of employees. Disciplinary actions are taken in accordance with 3 FAM 4300 regulations, and in cases of proposed separation for cause, pursuant to Section 610 of the Foreign Service Act, as amended (22 USC 4010).

**Question:**

**Mr. Van Buren states the Department did in fact clear his book for publication.**

**Is it true?**

- This matter is not about clearance of the employee's book. The Department cannot comment on the specifics of Mr. Van Buren's case.

**Question:**

**What is the process for an employee who is proposed for disciplinary action?**

- Employees subject to discipline are given due process to refute allegations and defend against proposed discipline before a final decision is rendered.

**Question:**

**Can an employee appeal the deciding official's decision?**



- A Foreign Service Officer may grieve the disciplinary action through the Department's grievance system, and before the Foreign Service Grievance Board.
- A Foreign Service Officer whom the Director General has recommended for separation automatically has a right to a hearing before the Foreign Service Grievance Board.
- In separation cases, a Foreign Service Officer may exercise his/her right to obtain judicial review of the final decision under section 1110 of the Act (22 U.S.C. 4140).

**Question:**

**Mr. Van Buren has stated that there are eight different charges against him, including improper handling of classified materials, improper handling of Sensitive But Unclassified Information, failure to follow regulations, poor judgment, violation of 5 CFR 2635.807, insubordination, lack of candor and failure to cooperate in an official inquiry. Can you comment on these charges?**

- The Department cannot comment on the specifics of Mr. Van Buren's case.

**Question:**

**Can you explain how the Department decided to propose Mr. Van Buren for separation rather than a lesser penalty, such as a suspension?**

- The Department cannot comment on the specifics of Mr. Van Buren's case.

**If pressed specifically on the status of PVB's security clearance:**

- We do not discuss individual personnel matters, including Mr. Van Buren's situation. Nor do we discuss the status of security clearances.
- However, the Department has clear legal authority—and indeed the responsibility—to ensure that all employees with security clearances uphold national security interests and adhere to standards of suitability.
- An employee is not deemed eligible for access to classified information merely by reason of his or her Federal service, or as a matter of right or privilege.

Drafted: HR/ER/CSD: DVisocan, ext. 4-8179

Cleared: HR/ER/CSD: RCruz: ok

HR/ER: MEHickey: ok

HR/FO: BManzanares: ok

M/FO: SMcPartland: ok

M/PRI: CMaier: ok

L/EMP: ACavnar: ok

L/EMP: HAzar: ok

L/M/DS: KGleeson: ok

DS/PA: JFinkle: ok

HR/PC: BGreenberg: ok

HR/PC: KKrueger: ok

PA: MZeiseniss: ok

NEA/PPD: MLavalee: ok

NEA/FO: BLeaf: ok

MEMORANDUM

SENSITIVE BUT UNCLASSIFIED

RELEASE IN PART  
B7(C),B6

TO: DS/SI/PSS -- [REDACTED]  
HR/ER/CSD -- Ronald Cruz

B6  
B7(C)

THROUGH: DS/DO/ICI -- [REDACTED]

B6  
B7(C)

FROM: DS/ICI/PR -- [REDACTED]

B6  
B7(C)

SUBJECT: [REDACTED]

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B7(C)

PR-2011-00158

Attached is the final Report of Investigation on [REDACTED] for  
whatever action you deem appropriate. If additional details are required,  
please contact the Reporting Agent, SA [REDACTED]

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B7(C)

B6  
B7(C)



RELEASE IN FULL

May 15, 2012

*Via U.S. mail and email*

Patrick F. Kennedy  
Under Secretary for Management  
U.S. Department of State  
2201 C Street NW, Room 7207  
Washington, DC 20520

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
NATIONAL OFFICE  
125 BROAD STREET, 18TH FL.  
NEW YORK, NY 10004-2400  
T 212.549.2500  
WWW.ACLU.ORG

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

Dear Mr. Kennedy:

We write in connection with Peter Van Buren, a Foreign Service Officer at the U.S. Department of State. The State Department has proposed terminating Mr. Van Buren, and this termination is currently under review by the Director General of the Foreign Service and Director of Human Resources. We believe that the State Department's actions constitute a violation of Mr. Van Buren's constitutional rights and urge you to reinstate Mr. Van Buren to his position on the Board of Examiners.

Mr. Van Buren has been a FSO with the State Department for 23 years. Recently, he served as an examiner on the Board of Examiners. Prior to that time, Mr. Van Buren was a Team Leader on a Provincial Reconstruction Team in Iraq. When he returned from his posting in Iraq, Mr. Van Buren became a vocal critic of the reconstruction effort and wrote *We Meant Well: How I Helped Lose the Battle for the Hearts and Minds of the Iraqi People*. Mr. Van Buren submitted his book for review under 3 Foreign Affairs Manual 4170, which requires pre-clearance for an employee's speech or writing on "matters of official concern," broadly defined as anything related to a "policy, program, or operation of the employee's agency or to current U.S. foreign policies, or [that] reasonably may be expected to affect the foreign relations of the United States." 3 FAM 4172.1-3(A)(2). Materials "must be submitted for a reasonable period of review, not to exceed thirty days." 3 FAM 4172.1-5. After the 30-day examination period had expired with no response from the State Department, Mr. Van Buren moved forward with the publication of his

book. Mr. Van Buren's current work for the State Department is not related to the Iraq reconstruction effort, and his positions since returning from Iraq have included no responsibilities related to those issues.

Mr. Van Buren also maintains a personal blog on a variety of topics, including the Iraq reconstruction and other matters of public concern. Mr. Van Buren includes a disclaimer on each blog post clearly stating that the views expressed therein are his own. Moreover, Mr. Van Buren's style and tone leave no doubt that he is speaking only for himself and not as an official spokesperson for the State Department. Mr. Van Buren has also published a number of articles, emphatically in his own voice, about his time in Iraq in the *New York Times*, *Rolling Stone*, *Huffington Post*, and other major news outlets.

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Beginning in August 2011 and coinciding with the publication of his book, Mr. Van Buren was subjected to a series of adverse personnel actions. These actions have included suspension of his security clearance, confiscation of his Diplomatic Passport, being placed on administrative leave, being banned from the State Department Building, losing access to his State Department computer, and being reassigned to a makeshift telework position. The Government Accountability Project filed a complaint with the Office of Special Counsel alleging that these actions were prohibited personnel actions taken in retaliation for Mr. Van Buren's book. That complaint is still pending.

Nonetheless, the State Department recommended that Mr. Van Buren be "separate[d] for cause" based on a Report of Investigation prepared by the Bureau of Diplomatic Security. This proposed termination for Mr. Van Buren's speech raises substantial constitutional questions and creates the appearance of impermissible retaliation for Mr. Van Buren's criticism of the State Department. The Supreme Court has long made clear that public employees are protected by the First Amendment when they engage in speech about matters of public concern. A public employee's First Amendment rights can be overcome only if the employee's interest in the speech is outweighed by the government's interest, as employer, in the orderly operation of the public workplace and the efficient delivery of public services by public employees. *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968). The government bears an even greater burden of justification when it prospectively restricts employees' expression through a generally applicable statute or regulation. *United States v. Nat'l Treasury Employees Union*, 513 U.S. 454, 468 (1995) ("*NTEU*"). By those standards, the State Department's actions here appear to be unconstitutional.

There can be no dispute that the subject matter of Mr. Van Buren's book, blog posts, and news articles – the reconstruction effort in Iraq – is a matter of immense public concern. This issue has been the subject of a

nationwide, highly contentious, and very public debate. *See, e.g., Sanjour v. EPA*, 56 F.3d 85, 91 (D.C. Cir. 1995) (en banc) (“current government policies” are “perhaps the paradigmatic ‘matter[] of public concern’”) (alteration in original).

The public’s interest in hearing speech about these issues from Mr. Van Buren is also plain. *See, e.g., Waters v. Churchill*, 511 U.S. 661, 674 (1994) (“Government employees are often in the best position to know what ails the agencies for which they work; public debate may gain much from their informed opinions.”); *Sanjour*, 56 F.3d at 94 (“[G]overnment employees are in a position to offer the public unique insights into the workings of government generally and their areas of specialization in particular.”). It is precisely for that reason that Metropolitan Books decided to publish Mr. Van Buren’s book and that so many choose to read his book and blog. Indeed, Mr. Van Buren’s speech about the reconstruction effort in Iraq implicates the very core of the First Amendment. *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964) (“[S]peech concerning public affairs is more than self-expression; it is the essence of self-government.”).

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The Supreme Court has repeatedly held that public employees retain their First Amendment rights even when speaking about issues directly related to their employment, as long as they are speaking as *private citizens*. *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006). In his book, blog posts, and articles, it is clear that Mr. Van Buren is speaking in his own voice and not on behalf of the State Department. Writing blog posts and articles from home, on his own time and on his personal computer, is a paradigmatic example of speech that public employees may legitimately engage in as private citizens. *Pickering*, 391 U.S. 563 (unconstitutional to discipline teacher for writing letter to the editor); *Garcetti*, 547 U.S. at 423 (citing *op-eds* as private citizen speech).

Given the enormous public interest in receiving speech on this subject and Mr. Van Buren’s unique experience in Iraq, it is unlikely that the State Department would be able to sustain its burden of demonstrating that its interests outweigh Mr. Van Buren’s and the public’s First Amendment rights. That is especially so because there can be no legitimate claim that Mr. Van Buren’s speech caused any disruption to the State Department or to its ability to operate efficiently.

Further, the State Department’s pre-publication review policy, as applied to blog posts and articles, raises serious constitutional questions. Through its policy, the State Department is prospectively restricting the speech of Mr. Van Buren as well as all present and future State Department employees. Where, as here, the restriction limits speech before it occurs, the Supreme Court has made clear that the government’s burden is especially heightened. *NTEU*, 513 U.S. at 468. The State Department must show that



the interests of potential audiences and a vast group of present and future employees are outweighed by that expression's necessary impact on the *actual* operation of government. *Id.* Courts have also required careful tailoring of prospective restrictions to ensure they do not sweep too broadly and that they actually address the identified harm. *Id.* at 475. Given this heightened standard, it is highly unlikely that the State Department could sustain its burden of demonstrating that its policy is constitutional.

There is no justification for such an expansive prior restraint on State Department employees' speech. The State Department's policy affects all employees and is broadly written to include all "matters of official concern." This encompasses a vast amount of speech – including Mr. Van Buren's and that of numerous other State Department bloggers – that would in no way harm the "actual operation of the government." The overbreadth of the State Department's policy is abundantly clear when compared with the practice of the Department of Defense. Hundreds of active-duty soldiers, many with access to classified and sensitive information, post articles and maintain personal blogs without pre-clearance and without posing any harm to military operations.

Further, the State Department's pre-publication requirement covers even more speech than necessary to serve the government's stated interests – to protect classified information and to prevent views of employees from being improperly attributed to the government. 3 FAM 4172.1-1. As such, the policy is not carefully drawn to ensure that it does not unnecessarily chill a vast amount of protected speech, nor is it tailored to address the identified harm. *See Harman v. City of New York*, 140 F.3d 111, 123 (2d Cir. 1998).

The State Department's actions create the strong appearance of impermissible retaliation against Mr. Van Buren for his criticism of the reconstruction effort in Iraq. We hope that the State Department will reconsider the proposed termination of Mr. Van Buren and reinstate him to his position on the Board of Examiners.

Sincerely,



Ben Wizner  
Kate Wood  
American Civil Liberties Union  
125 Broad Street, 18th Floor  
New York, NY 10004

(212) 519-7860  
bwizner@aclu.org

cc: Linda Thomas-Greenfield, Director General of the Foreign Service  
and Director of Human Resources;  
Jesselyn Radack & Kathleen McClellan, Government Accountability  
Project;  
Raeka Safai, American Foreign Service Association.

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UNION FOUNDATION

U.S. Department of State

RELEASE IN PART  
B7(C),B6

## DIPLOMATIC SECURITY SERVICE

WARNING AND ASSURANCE TO EMPLOYEE REQUESTED  
TO PROVIDE INFORMATION ON A VOLUNTARY BASIS

You are being asked to provide information in an investigation. This investigation is being conducted pursuant to the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended (22 U.S.C. 4801, *et seq.*).

This inquiry pertains to: \_\_\_\_\_

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B7(C)

This is a voluntary interview. Accordingly, you do not have to answer questions. If you decide to answer questions or make a statement, you may stop answering or discontinue the statement at any time. No disciplinary action will be taken against you solely because you choose not to answer questions. You have the right to have a representative present during all interviews concerning this matter.

Any statement you furnish may be used as evidence against you in any future criminal proceeding, agency disciplinary proceeding, or both. Additionally, the information solicited may be used to determine suitability for assignment to certain sensitive positions and/or geographic areas; or to determine suitability for continued employment or eligibility for access to classified information.

WAIVER

I understand the warnings and assurances stated above and I am willing to answer questions and/or make a statement. No promise or threats have been made to me and no pressure or coercion of any kind has been used against me.

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Dip \_\_\_\_\_

Employee's Signature \_\_\_\_\_

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B7(C)

Witness \_\_\_\_\_

Employee's Name (Printed) \_\_\_\_\_

9:10

Time (hh:mm)

9/1/11

Date (mm-dd-yyyy)

SA-20

Place

PRIVACY ACT NOTICE: This information is requested pursuant to 22 U.S.C. 4801, *et seq.* (Omnibus Diplomatic Security and Antiterrorism Act of 1986 as amended) and 22 U.S.C. 2709 (Special Agents). This information is being sought on a voluntary basis in connection with a DS investigation. The information being solicited on this form may be made available to appropriate agencies, whether federal, state, local or foreign, for law enforcement and administrative purposes as authorized by law. It may also be disclosed pursuant to court order. Your failure to comply with this request will result in no adverse consequences.

B6  
B7(C)

From: [REDACTED]  
 Sent: Wednesday, September 14, 2011 5:50 PM  
 To: [REDACTED]  
 Cc: Safai, Raeka  
 Subject: Administrative Interview

RELEASE IN PART  
B7(C),B6

Importance: High  
 Follow Up Flag: Follow up  
 Flag Status: Completed  
 Categories: Working  
 Classification: UNCLASSIFIED  
 SensitivityCode: Sensitive

Good afternoon [REDACTED]

B6  
B7(C)

This is a follow up to our September 1 interview and to notify you of your requirement to report for a second interview with this office. The purpose of the interview will be to obtain information that will assist in the determination of whether administrative action is warranted; to determine suitability for assignment to certain sensitive positions and/or geographical areas; or to determine suitability for continued employment or eligibility for access to classified information.

You will be asked a number of specific questions related to the performance of your official duties. You have a duty to reply to these questions. Agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers may be used against you in any criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action (18 U.S.C. 1001). The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings, which could result in disciplinary action, including dismissal.

This administrative interview is scheduled for **10:30 a.m. on Monday, September 19, 2011** and will be conducted in the office space of DS/ICI/PR located at U.S. Department of State Annex # 20 (SA-20), 1801 North Lynn Street, Arlington (Rosslyn), Virginia 22209.

I look forward to meeting with you.

Regards,

B6  
B7(C)

[REDACTED] | Special Agent, Diplomatic Security Service | [REDACTED]@state.gov | O: [REDACTED]  
 Office of Professional Responsibility (DS/ICI/PR)

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B7(C)

This e-mail is unclassified based on definitions provided in E.O. 12958

SBU

This email is UNCLASSIFIED.

RELEASE IN PART  
B7(C),B6

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B7(C)

From: [REDACTED]  
Sent: Thursday, September 15, 2011 8:36 AM  
To: [REDACTED]  
Cc: Safai, Raeka; Boswell, Eric J; Kelly, Robert F; [REDACTED]  
Subject: RE: Administrative Interview

B6

B6

Follow Up Flag: Follow up  
Flag Status: Completed

Categories: Working  
Classification: UNCLASSIFIED

I was promised by you a copy of the audio tape from our first meeting within 24 hours of September 1. To date, I have not received that tape nor have you replied to my attorney's queries about that tape. Please supply the copy of the tape as promised, or supply a written reason why you refuse to supply that tape as promised.

A review of the contents of the first interview is essential to my defense and preparation for the second interview. Your continued refusal to supply the promised tape will be seen as an impediment to my right to a fair defense.

Please respond.

B6  
B7(C)

This email is UNCLASSIFIED.

From: [REDACTED]  
Sent: Wednesday, September 14, 2011 5:50 PM  
To: [REDACTED]  
Cc: Safai, Raeka  
Subject: Administrative Interview  
Importance: High

B6  
B7(C)

Good afternoon [REDACTED]

B6  
B7(C)

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You will be asked a number of specific questions related to the performance of your official duties. You have a duty to reply to these questions. Agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers may be used against you in any criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action (18 U.S.C. 211). The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings, which could result in disciplinary action, including dismissal.

This administrative interview is scheduled for **10:30 a.m. on Monday, September 19, 2011** and will be conducted in the office space of DS/ICI/PR located at U.S. Department of State Annex # 20 (SA-20), 1801 North Lynn Street, Arlington (Rosslyn), Virginia 22209.

I look forward to meeting with you.

Regards,

[Redacted]

B6  
B7(C)

[Redacted] | Special Agent, Diplomatic Security Service [Redacted]@state.gov [Redacted]  
Office of Professional Responsibility (DS/ICI/PR)

B6  
B7(C)

*This e-mail is unclassified based on definitions provided in E.O. 12958*

SBU


This email is UNCLASSIFIED.

RELEASE IN PART  
B7(C), B6

## Receipt of CD-R from DS/ICI/PR to American Foreign Service Association

(SBU) On September 15, 2011, I received a CD-R from Special Agent [redacted] of the Bureau of Diplomatic Security (DS), Office of Professional Responsibility (DS/ICI/PR) containing the audio recording of DS/ICI/PR's September 1, 2011 voluntary interview with U.S. Department of State employee [redacted]. I understand that the recording on this CD-R contains Sensitive But Unclassified information including Law Enforcement Sensitive information and may not be disseminated outside the U.S. Department of State without the prior written approval of the Director, Diplomatic Security Service. I also understand the Department's regulations concerning the protection of Sensitive But Unclassified information as found in 12 FAM 540 and attached to this receipt.

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Raeka Safai, Esq, Staff Attorney,  
American Foreign Service Association,  
U.S. Department of State

Date

9/15/11

Time

4:32 pm





U.S. Department of State  
DIPLOMATIC SECURITY SERVICE  
WARNING AND ASSURANCE TO EMPLOYEE  
REQUIRED TO PROVIDE INFORMATION

RELEASE IN PART  
B7(C),B6

This is an official administrative inquiry regarding misconduct or improper performance of official duties.

This inquiry concerns:

The purpose of this interview is to obtain information that will assist in the determination of whether administrative action is warranted, to determine suitability for assignment to certain sensitive positions and/or geographical areas; or to determine suitability for continued employment or eligibility for access to classified information.

You are going to be asked a number of specific questions related to the performance of your official duties. You have a duty to reply to these questions. Agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers may be used against you in any criminal proceeding, *except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action (18 USC 1001)*. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings, which could result in disciplinary action, including dismissal.

## ACKNOWLEDGMENT

I have read [redacted] conditions as set forth above.

Employee's Signature \_\_\_\_\_

Witness

Employee's Name (Printed)

Time (hh:mm)

Date (mm-dd-yyyy)

## Places

PRIVACY ACT NOTICE: This information is requested pursuant to 22 U.S.C. 4801, et seq. (Omnibus Diplomatic Security and Antiterrorism Act of 1986 as amended) and 22 U.S.C. 2709 (Special Agents). This information is being sought in connection with an inquiry regarding misconduct or improper performance of official duties. The information you provide on this form may be available to appropriate agencies, whether federal, state, local or foreign, for administrative and law enforcement purposes as authorized by law. It may also be disclosed pursuant to court order. Failure to provide the information may result in agency disciplinary action.